

Partnering with Tribes

Children's Justice Initiative

Regional Team Meetings

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Terri Yellowhammer

Indian Child Welfare Program Consultant

Minnesota Department of Human Services

Me/Myself/I



- Mom to 3; grandmother of 1
- Indian Child Welfare Program Consultant since 2003
- Attorney/Guardian Ad Litem/Assistant Judge for northern MN tribe
- Tribal member/community member

Experience as GAL Taught Me A Lot

- ‘Lily’
- ICWA followed, though Tribe minimally involved
- ICWA placement
- Too many hard realities
- CD use/single mom/unemployed/lack of support system
- Child adopted by non-Indian couple

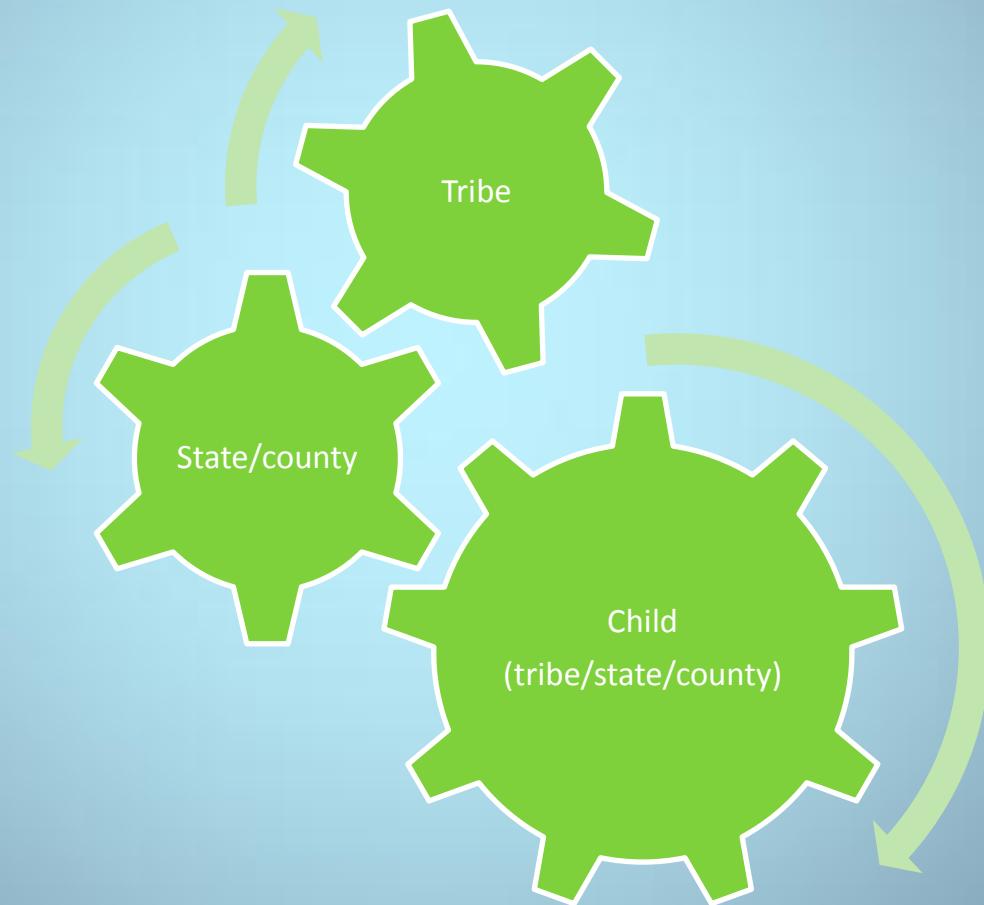
What Could Have Been Done Differently?

- Sometimes, nothing.
- But it got me thinking.

What Do I Know About Partnering With Tribes?

- History matters
- Understanding historical context is critical to working respectfully with Tribes
- This is particularly true with respect to child welfare
- For Indian children in CPS, they are part of multiple worlds

Coexistence



Uneasy Coexistence

- Distrust by family
- Distrust by tribe
- Distrust by county
- History of distrust

History of Distrust

- Removal of Indian children by CPS viewed by some as a continuation of governmental oppression
- Boarding school era still recent and remembered
- Began with founding of Carlisle in 1879; most closed in 1970s – 80s

Why are Boarding Schools Still Brought Up Today?

- Fairly recent example of long-term, unabashed practices of removal
- Children were 'rescued' from their tribes, families
- Affected an entire generation's parenting skills
- And sense of belonging

Removal of Indian Children

- Prior to 1978, approximately 1 in 4 American Indian children were in OHP
- In Minnesota, this rate was as high as 35%
- Up to 90% of American Indian children placed out of home were in non-Indian homes
- Led to grass-roots effort to put law into place making these practices illegal

Indian Child Welfare Act of 1978 (ICWA)

- ICWA acknowledges the political relationship between the US government and Indian Tribes
- Tribal sovereignty; rights retained and not given (retention doctrine)
- ICWA invokes federal preemptive power
- ICWA is aimed to prevent improper removal of Indian children from parents, Indian custodians, extended family, and Tribes

Tribes as Partners on ICWA Cases

- Use extended family as a resource for the child (placement, contact, stability, mentorship)
- If there is difficulty working with the family, seek assistance from an agency with expertise in working with Indian families
- Use available tribal or other Indian agency and state resources

Tribes as Partners on ICWA Cases

- Consult with tribe about availability of tribal support for the family
- Use tribally based family preservation and reunification services when available
- Refer to other Indian agencies for services

Appreciation for Why Partnering is Necessary

- 32 years later: statistics even more alarming
- February 2010 Child Welfare Disparities Report issued
- American Indian children experience the greatest disproportionality along the child welfare continuum

Poverty is Part of the Picture

- According to the National Center for Children in Poverty, Minnesota has the 12th lowest child poverty rate in the country
- The federal poverty level for a family of four with two children was \$22,050 in 2009
- Wide racial disparities exist for all children of color compared to White children

Poverty is Part of the Picture

- African American and American Indian children are almost five times as likely to be living in families with incomes below the poverty level
- More than 6 ½ times likely to be reported as abused or neglected
- More than 8 times more likely to be the subject of a report of neglect
- 12 times more likely to spend time in out of home care

Indian Child Welfare in MN

- Tribal/State Agreements contemplated in ICWA and Minnesota Indian Family Preservation Act (MIFPA)
- Originally executed in 1998, following several years of hard work by County, State and Tribal partners
- Among DHS and 11 MN tribes
- TSA has been applied by MN Appellate Courts and cited by other State Appellate Courts

Tribal/State Agreement

- Agreement is based on collaboration to provide the best care possible for Indian children and their families
- 1998 Agreement amended in 2007 – renegotiation discussions began in 2005
- Renegotiation began with hard conversations about what wasn't working

What Wasn't Working Since Original 1998 TSA?

- Non-compliance with ICWA/MIFPA
- Non-payment of OHP costs for children under tribal court order
- Disrespectful interactions

Real Life Example of All of These, Combined

- County non-payment for children under tribal court order for MN tribe
- Media involved; misrepresentation of dollar amount for tribal children in care (didn't help things)
- Communication at an impasse
- Tribe at risk of closing doors due to lack of funding to provide services
- Tribal chair sends letter to commissioner, requests help. Says commissioner has responsibility for all Minnesota children

What happened next...

- Attorney General's Office involved, threat of lawsuit
- Took extraordinary measures to address
- Long history of a bad relationship

How to Partner on This Case?

- Agreed on meeting location – county had never been to tribe's offices
- Shared a meal
- Everyone had a chance to speak
- Value in venting, but in moderation and respectfully
- Need to take the reins
- Important to stay on track

Resolution

- Best achieved by the parties combining their abilities and resources in a collaborative manner from contact through closure
- Team approach
- Important to produce an end product/protocol/agreement
- Even with this, problems/attitudes may linger
- Important to see big picture w/re to relationships

This Led To...

- Collaborative efforts to
 - Revise legislation
 - Update the Social Service Manual
 - Review Court Rules
 - Develop curriculum for social workers and
GsAL re: ICWA/MIFPA/TSA

Elements of Collaboration

- Many meeting with specific examples builds understanding and relationships
- Listen actively and with open hearts
- Flexibility and creativity 'think outside the box' where possible
- Remember to be respectful
- Remember that tribes are different from each other

Promising Practices

- Summer 2010 – 6 native children in LTF
- Accompanied by 2 county workers; 1 urban agency partner
- Traveled to the youth's reservation
- One of the poorest in the nation
- Children had never been there before
- Obtained tribal IDs
- Met relatives

Promising Practices

- Shared tribal knowledge
- “This is the first time the county has brought any of our children home.”

Questions?